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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA, ex : DOCKET NO. 19-CV-6466-EK-CLP  
rel., HYUN YU, ET AL., :  
:  
Plaintiffs, : **ANSWER OF DEFENDANT DR.**  
v. : **LEONARD MEGGS TO THE**  
: **AMENDED COMPLAINT**  
:  
NUCARE PHARMACY WEST, LLC, ET :  
ALS., :  
:  
Defendants. :  
-----X

Defendant, Dr. Leonard Meggs, by and through his undersigned counsel, by way of  
Answer to the Amended Complaint, hereby responds as follows:

**NATURE OF THE ACTION**

1. Paragraph 1 of the Amended Complaint makes no allegations of fact, and instead states the Relator's proffered reasons for filing the within action, and therefore Defendant makes no response thereto, other than to deny that he has engaged in any acts or omissions that would make him liable to the Relator, and to leave Relator to his proofs.

2. Defendant denies the allegations of Paragraph 2 of the Amended Complaint
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Amended Complaint.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Amended Complaint.
5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Amended Complaint.
6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Amended Complaint.
7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Amended Complaint.
8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Amended Complaint.
9. Defendant denies the allegations of Paragraph 9 of the Amended Complaint.
10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the Amended Complaint.

## **I. Parties**

### **A. Relator – Dr. Yu**

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the Amended Complaint.
12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 of the Amended Complaint.

B. NuCare Pharmacy West, L.L.C.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13 of the Amended Complaint.

14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 of the Amended Complaint.

C. Dr. Thomas Webster

15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 of the Amended Complaint.

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 of the Amended Complaint.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17 of the Amended Complaint.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 of the Amended Complaint.

D. Dr. Leonard Meggs

19. Defendant denies the allegations of Paragraph 19 of the Amended Complaint as stated, but admits that at one time he did practice medicine in New Orleans.

20. Defendant admits the allegations of Paragraph 20 of the Amended Complaint.

21. Defendant denies the allegations of Paragraph 21 of the Amended Complaint, as stated, but admits that his New York license number and NPI number are accurately stated for the time period he practiced medicine.

22. Defendant admits the allegations of Paragraph 22 of the Amended Complaint.

23. Defendant denies the allegations of Paragraph 23 of the Amended Complaint.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24 of the Amended Complaint.

E. Dr. Nahesi Lamert-Doorn

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25 of the Amended Complaint.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 of the Amended Complaint.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 27 of the Amended Complaint.

F. Hafiz Ebady

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28 of the Amended Complaint.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 29 of the Amended Complaint.

30. Defendant admits the allegations of Paragraph 30 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

31. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 31 of the Amended Complaint.

G. Dela Saidazim

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 32 of the Amended Complaint.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 33 of the Amended Complaint.

34. Defendant admits the allegations of Paragraph 34 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 35 of the Amended Complaint.

36. Defendant admits the allegations of Paragraph 36 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

H. Brycen Millett

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 37 of the Amended Complaint.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 38 of the Amended Complaint.

39. Defendant admits the allegations of Paragraph 39 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

40. Defendant admits the allegations of Paragraph 40 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

41. Defendant admits the allegations of Paragraph 41 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

42. Defendant admits the allegations of Paragraph 42 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 43 of the Amended Complaint.

I. David Bishoff

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 44 of the Amended Complaint.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 45 of the Amended Complaint.

46. Defendant admits the allegations of Paragraph 46 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

47. Defendant admits the allegations of Paragraph 47 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

48. Defendant admits the allegations of Paragraph 48 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

49. Defendant admits the allegations of Paragraph 49 of the Amended Complaint to the extent that they appear to accurately allege information that is in the public domain, but denies any personal knowledge regarding said allegation.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 50 of the Amended Complaint.

#### JURISDICTION AND VENUE

51. Defendant admits the allegations of Paragraph 51 of the Amended Complaint only to the extent that he does not contest the Court's subject matter jurisdiction in this action.

52. Defendant denies the allegations of Paragraph 52 of the Amended Complaint as pleaded.

53. Defendant admits the allegations of Paragraph 53 of the Amended Complaint only to the extent that he does not contest venue in this action.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 54 of the Amended Complaint.

55. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 55 of the Amended Complaint.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 56 of the Amended Complaint.

57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 57 of the Amended Complaint.

## FACTS

### **II. Governing Laws**

#### **A. The Federal False Claims Act**

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 58 of the Amended Complaint.

59. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 59 of the Amended Complaint.

60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 60 of the Amended Complaint.

61. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 61 of the Amended Complaint.

62. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 62 of the Amended Complaint.

B. The New York State False Claims Act

63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 63 of the Amended Complaint.

64. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 64 of the Amended Complaint.

65. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 65 of the Amended Complaint.

66. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 66 of the Amended Complaint.

67. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 67 of the Amended Complaint.

C. The Federal Health Benefit Program

68. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 68 of the Amended Complaint.

69. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 69 of the Amended Complaint.

**III. The Fake Prescriptions Scheme**

A. Medication Orders in Lieu of Legal Prescriptions

70. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 70 of the Amended Complaint.

71. Defendant admits the allegations of Paragraph 71 of the Amended Complaint.

72. Defendant admits the allegations of Paragraph 72 of the Amended Complaint.
73. Defendant denies the allegations of Paragraph 73 of the Amended Complaint.
74. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 74 of the Amended Complaint.
75. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 75 of the Amended Complaint.
76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 76 of the Amended Complaint.
77. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 77 of the Amended Complaint.
78. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 78 of the Amended Complaint.
79. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 79 of the Amended Complaint.
80. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 80 of the Amended Complaint.
81. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 81 of the Amended Complaint.

B. The Medication Orders

82. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 82 of the Amended Complaint.

83. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 83 of the Amended Complaint.

84. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 84 of the Amended Complaint.

85. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 85 of the Amended Complaint.

86. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 86 of the Amended Complaint.

87. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 87 of the Amended Complaint.

88. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 88 of the Amended Complaint.

89. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 89 of the Amended Complaint.

90. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 90 of the Amended Complaint.

91. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 91 of the Amended Complaint.

92. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 92 of the Amended Complaint.

93. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 93 of the Amended Complaint.

C. The Telemarketing Component

94. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 94 of the Amended Complaint.

95. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 95 of the Amended Complaint.

96. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 96 of the Amended Complaint.

97. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 97 of the Amended Complaint.

98. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 98 of the Amended Complaint.

99. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 99 of the Amended Complaint.

100. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 100 of the Amended Complaint.

101. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 101 of the Amended Complaint.

102. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 102 of the Amended Complaint.

103. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 103 of the Amended Complaint.

a. Patient LZ

104. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 104 of the Amended Complaint.

105. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 105 of the Amended Complaint.

106. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 106 of the Amended Complaint.

b. Patient ET

107. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 107 of the Amended Complaint.

108. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 108 of the Amended Complaint.

109. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 109 of the Amended Complaint.

c. Patient WK

110. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 110 of the Amended Complaint.

111. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 111 of the Amended Complaint.

112. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 112 of the Amended Complaint.

D. The Prescription Transfer Component

113. Defendant denies the allegations of Paragraph 113 of the Amended Complaint.

114. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 114 of the Amended Complaint.

115. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 115 of the Amended Complaint.

116. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 116 of the Amended Complaint.

117. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 117 of the Amended Complaint.

118. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 118 of the Amended Complaint.

119. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 119 of the Amended Complaint.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 120 of the Amended Complaint.

121. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 121 of the Amended Complaint.

122. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 122 of the Amended Complaint.

123. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 123 of the Amended Complaint.

124. Defendant denies the allegations of Paragraph 124 of the Amended Complaint.

IV. Government Billing Data

125. Defendant denies the allegations of Paragraph 125 of the Amended Complaint.
126. Defendant denies the allegations of Paragraph 126 of the Amended Complaint.
127. Defendant denies the allegations of Paragraph 127 of the Amended Complaint.
128. Defendant denies the allegations of Paragraph 128 of the Amended Complaint.
129. Defendant denies the allegations of Paragraph 129 of the Amended Complaint.
130. Defendant denies the allegations of Paragraph 130 of the Amended Complaint.
131. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 131 of the Amended Complaint.

132. Defendant denies the allegations of Paragraph 132 of the Amended Complaint insofar as they allege that Defendant was part of any scheme, and is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 132 of the Amended Complaint.

133. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 133 of the Amended Complaint.

CAUSES OF ACTION

COUNT I – VIOLATION OF 31 U.S.C. § 3729(a)(1)(A)

134. Defendant repeats his responses to the allegations made in the preceding paragraphs.

135. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 135 of the Amended Complaint.

136. Defendant denies the allegations of Paragraph 136 of the Amended Complaint.
137. Defendant denies the allegations of Paragraph 137 of the Amended Complaint.
138. Defendant denies the allegations of Paragraph 138 of the Amended Complaint.
139. Defendant denies the allegations of Paragraph 139 of the Amended Complaint.
140. Defendant denies the allegations of Paragraph 140 of the Amended Complaint.
141. Defendant denies the allegations of Paragraph 141 of the Amended Complaint.

COUNT II – VIOLATION OF 31 U.S.C. § 3729(a)(1)(B)

142. Defendant repeats his responses to the allegations made in the preceding paragraphs.
143. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 143 of the Amended Complaint.
144. Defendant denies the allegations of Paragraph 144 of the Amended Complaint.
145. Defendant denies the allegations of Paragraph 145 of the Amended Complaint.
146. Defendant denies the allegations of Paragraph 146 of the Amended Complaint.
147. Defendant denies the allegations of Paragraph 147 of the Amended Complaint.
148. Defendant denies the allegations of Paragraph 148 of the Amended Complaint.

COUNT III – VIOLATION OF 31 U.S.C. § 3729(a)(1)(C)

149. Defendant repeats his responses to the allegations made in the preceding paragraphs.
150. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 150 of the Amended Complaint.

151. Defendant denies the allegations of Paragraph 151 of the Amended Complaint.
152. Defendant denies the allegations of Paragraph 152 of the Amended Complaint.
153. Defendant denies the allegations of Paragraph 153 of the Amended Complaint.
154. Defendant denies the allegations of Paragraph 154 of the Amended Complaint.
155. Defendant denies the allegations of Paragraph 155 of the Amended Complaint.

COUNT IV – VIOLATION OF NEW YORK FALSE CLAIMS ACT,  
STATE FIN. LAW § 189(1)(a)

156. Defendant repeats his responses to the allegations made in the preceding paragraphs.
157. Defendant denies the allegations of Paragraph 157 of the Amended Complaint.
158. Defendant denies the allegations of Paragraph 158 of the Amended Complaint.
159. Defendant denies the allegations of Paragraph 159 of the Amended Complaint.
160. Defendant denies the allegations of Paragraph 160 of the Amended Complaint.
161. Defendant denies the allegations of Paragraph 161 of the Amended Complaint.

COUNT V – VIOLATION OF NEW YORK FALSE CLAIMS ACT,  
STATE FIN. LAW § 189(1)(b)

162. Defendant repeats his responses to the allegations made in the preceding paragraphs.
163. Defendant denies the allegations of Paragraph 163 of the Amended Complaint.
164. Defendant denies the allegations of Paragraph 164 of the Amended Complaint.
165. Defendant denies the allegations of Paragraph 165 of the Amended Complaint.
166. Defendant denies the allegations of Paragraph 166 of the Amended Complaint.

167. Defendant denies the allegations of Paragraph 167 of the Amended Complaint.

COUNT VI – VIOLATION OF NEW YORK FALSE CLAIMS ACT,  
STATE FIN. LAW § 189(1)(c)

168. Defendant repeats his responses to the allegations made in the preceding paragraphs.

169. Defendant denies the allegations of Paragraph 169 of the Amended Complaint.

170. Defendant denies the allegations of Paragraph 170 of the Amended Complaint.

171. Defendant denies the allegations of Paragraph 171 of the Amended Complaint.

172. Defendant denies the allegations of Paragraph 172 of the Amended Complaint.

173. Defendant denies the allegations of Paragraph 173 of the Amended Complaint.

174. Defendant denies the allegations of Paragraph 174 of the Amended Complaint.

PRAYER FOR RELIEF

WHEREFORE. Defendant demands judgment dismissing each Count of the Amended Complaint against him, and for an award of costs and attorneys' fees, and for such further relief as the Court may deem necessary and proper.

CROSS-CLAIM

Although Defendant denies any liability in this matter, he nevertheless asserts cross-claims for indemnification and contribution to the extent that he has incurred costs and

attorneys' fees as the result of the conduct of others, and to the extent that he may be found liable due to the acts and omissions of others.

DEMAND FOR TRIAL BY JURY

Defendant hereby demands a trial by jury.

Dated: November 9, 2023

WILENTZ, GOLDMAN & SPITZER P.A.  
Attorneys for Defendant, Dr. Leonard Meggs

By:

  
DARREN M. GELBER